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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/816,348

03/26/2001

Masaharu Tomiyama

Q63433

6359

7590

08/09/2005

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EXAMINER

LE, DANG D

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/816,348

Applicant(s)

TOMIYAMA ET AL.

Examiner

Dang D. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-10 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 and 13 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 6, 8-10 and 14 is/are rejected.
- 7) ☒ Claim(s) 2 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 7/26/05 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 3, 4, 6, 8-10, and 14 have been considered but are moot in view of the new ground(s) of rejection.

For the record, the examiner agreed that claim 2 (as well as claim 12) should not be rejected under 35 U.S.C. 112, first paragraph because the specification shows one way to form the reinforcing portion integrally with case by molding as shown in page 18, lines 1-3.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 3, 4, 6, 8-10, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brennan et al. (4,873,461) in view of Tang (5,073,738).

Regarding claim 1, Brennan et al. shows a motor comprising:

- A cylindrical case body (23) having a front end opening portion and a rear end opening portion (left and right);
- A rear end plate (26) fixed on the rear end opening portion of the case body, the rear end plate having a first bearing (31);
- A front end plate (25) fixed on the front end opening portion of the case body, the front end plate having a second bearing (30);
- A rotary drive shaft (21) inserted into the central portion of the case body, the rotary drive shaft whose rear end portion is rotatably supported on the rear end plate through the first bearing and whose forward middle portion is

rotatably supported on the front end plate through the second bearing (Figure 2);

- A rotor (42) fixed on the middle portion of the rotary drive shaft;
- A stator (65) fixed on the inner circumferential surface of the case body to face to the outer circumferential surface of the rotor; and
- A circumferential reinforcing element (91) provided in the vicinity of an end portion of the stator,
- Wherein the circumferential reinforcing element includes a ring portion (92) and a cylinder portion (94) extending from an inner peripheral edge of the ring portion, and
- Wherein said cylinder portion is continuous about a 360 degrees circumference.

Brennan et al. does not show the cylinder portion (94) extending from an outer peripheral edge of the ring portion. Brennan et al. has to use adhesive to hold the magnet in place temporarily.

Tang shows the cylinder portion (Figure 2) extending from an outer peripheral edge of the ring portion (33) for the purpose of mounting the magnets (20) without using adhesive while still reinforcing the casing (10) through force-fitting the rings (30).

Since Brennan et al. and Tang are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to extend the cylinder portion from an outer peripheral edge of the ring portion as taught by Tang for the purpose discussed above.

Regarding claims 3, 4, 6, and 8-10, it is noted that Brennan et al. and Tang also shows all of the limitations of the claimed invention including the reinforcing portion includes a ring portion (30) and a cylinder portion (33) extending from an outer peripheral edge of the ring portion, and wherein the reinforcing portion is disposed in the case body so that the cylinder portion extends from the ring portion in a direction away from the stator, so that the ring portion is disposed between the cylinder portion (30) and the stator (20, Figure 2).

Regarding claim 14, it is noted that claim 14 is a combination of claims 1 and 10. As a result, claim 14 is also rejected.

***Allowable Subject Matter***

6. Claims 12 and 13 are allowed.
7. Claims 2 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The following is a statement of reasons for the indication of allowable subject matter: the record of prior art does not show a motor for driving a blower fan comprising a reinforcing portion provided in the vicinity of an end portion of the stator, wherein the reinforcing portion includes a ring portion and a cylinder portion extending from an outer peripheral edge of the ring portion, and wherein the reinforcing portion is integrally

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formed with the case body as shown in claims 2 and 12 or wherein the reinforcing portion includes a ring portion and a cylinder portion extending from an outer peripheral edge of the ring portion, and wherein, before the ring portion is fixed, the outer circumferential surface of the cylinder portion has a conic surface inclined in a direction such that a diameter increases as a distance from the ring portion increases as shown in claims 7 and 13.

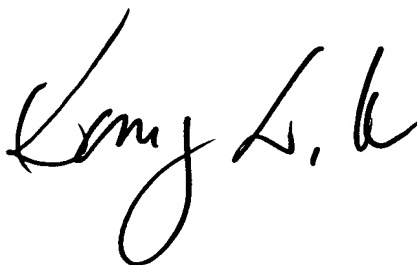
***Information on How to Contact USPTO***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D. Le whose telephone number is (571) 272-2027. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

8/5/05

A handwritten signature in black ink, appearing to read "Dongle L. K.", with a large, stylized loop at the end.

DANGLE  
PRIMARY EXAMINER